

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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OMER G. TSIMHONI,

Plaintiff,

v.

Case No. 10-10308

MAYA EIBSCHITZ-TSIMHONI,

Defendant.

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**ORDER FOR IDENTIFICATION AND PRESENTATION OF EXHIBITS, HEARING  
BRIEFS AND PROPOSED FINDINGS FOR HEARING ON PLAINTIFF'S PETITION  
FOR IMMEDIATE RETURN OF MINOR CHILDREN**

A hearing on Plaintiff's "Complaint and Petition for Immediate Return of Minor Children to Israel Brought Under the Hague Convention on the Civil Aspects of International Child Abduction and the International Child Abduction Remedies Act, 42 U.S.C. §§ 11601 et seq." will be held on **March 3, 2010 at 9:00 a.m.** Such hearings, in the experience of the court, are often comparable to non-jury trials, and counsel are thus directed to comply with the following instructions:

**1) PLAINTIFF'S COUNSEL TO CONVENE FIRST MEETING**

Plaintiff's counsel must convene a meeting of all attorneys, as soon as can practically be done, to discuss and resolve the issues noted herein. Such meeting may be by telephone if all purposes of this order can be effectively dealt with through such means.

**2) EXHIBITS: Examining, Pre-marking and Listing:**

a) Counsel must identify in separate lists and exchange with opposing counsel each exhibit and each deposition proposed as an exhibit. "Exhibit" includes items which a party will introduce and items which a party may introduce.

b) Counsel must promptly notify each other of any objections to the admissibility of a proposed exhibit and the basis of the objection.

c) Agreed-upon exhibits and depositions shall be considered admitted at the outset of the hearing.

d) All **exhibits must be marked by counsel** in advance of the hearing. Counsel must not use court time by asking the court reporter to mark exhibits. Plaintiff will use exhibit numbers beginning with 101, and defendant will use numbers beginning with 501.

**3) FILING OR SUBMITTING TO CHAMBERS STIPULATED EXHIBITS, DEPOSITIONS, TRIAL BRIEFS AND OTHER MATTERS**

a) Counsel for the plaintiff, **not later than three business days before the hearing date**, shall:

- i. file a joint list of exhibits and depositions ("Joint Exhibit List"). Each exhibit and each deposition that is not agreed to by the parties must be followed by a notation near the right margin of the page entitled "Objection"; this notation shall be followed by a brief statement describing the nature or basis of the opposing party's objection; and
  - ii. submit to the court (but do not file) copies of the exhibits themselves, unless bulk or other considerations make such submission impractical, and copies of the agreed-upon deposition testimony identified in the listing ordered above.
- b) Each party must file not later than three business days before the hearing date:

- i) a "Hearing Brief," which shall include separately numbered proposed findings of fact<sup>1</sup> and a set of proposed conclusions of law; and
- ii) a list of the witnesses that each party intends to call, with a brief statement of the proposed testimony (one or two sentences) and an estimate of the time to be consumed in direct and cross examination of each witness.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: January 29, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 29, 2010, by electronic and/or ordinary mail.

s/Lisa G. Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522

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<sup>1</sup> Counsel should try to agree on the significant facts. Please attempt to construct a consolidated set of findings of fact in the following manner:

- Plaintiff prepares separately-numbered proposed findings of fact and transmits them on paper and electronically to opposing counsel *ten* days before the hearing
- Defendant will agree, as appropriate, with each proposed fact, or disagree and propose an alternate, related fact in substitution for the fact with which counsel disagreed, and Defendant should propose additional facts as necessary; this reaction is then transmitted on paper and electronically to Plaintiff *six* days before the hearing.
- Plaintiff will then react to the additional proposed facts electronically and on paper *three* days before the hearing.
- The final product can then be submitted to the court in a consolidated form electronically, and on paper.

This procedure will avoid having the parties independently drafting proposed facts, many of which are undisputed yet repeated in both versions.